

OSHIRO SHOKO

FEBRUARY 27, 1958.—Committed to the Committee of the Whole House and ordered to be printed.

Mr. BURDICK, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 9317]

The Committee on the Judiciary, to whom was referred the bill (H. R. 9317), for the relief of Oshiro Shoko, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

This proposed legislation was submitted to the Speaker of the House of Representatives by the Secretary of the Army and referred to the committee for consideration. After a careful review of the communication, your committee recommends favorable consideration of the bill. The executive communication is as follows:

DEPARTMENT OF THE ARMY,
Washington, D. C., August 13, 1957.

Hon. SAM RAYBURN,
Speaker of the House of Representatives.

DEAR MR. SPEAKER: There is forwarded herewith a draft of legislation for the relief of the estate of Oshiro Shoko.

The submission of this legislation is in accordance with procedures approved by the Secretary of Defense. The Bureau of the Budget has advised that it has no objection to the submission of this proposal for the consideration of the Congress, and the Department of the Army recommends its enactment.

The purpose of the proposed bill is to pay to the estate of the late Assistant Police Inspector Oshiro Shoko, formerly of Shuri City, Okinawa, Ryukyu Islands, the sum of \$2,000 in full settlement of all claims which it may have against the United States arising out of the death of Oshiro Shoko. Mr. Oshiro was apparently murdered by unidentified members of the Philippine Scouts, a component of the United States Army, on February 28, 1948, at Shuri Village, Okinawa,

while acting in his capacity as assistant police inspector, Ryukyus Police Department.

At about 7:50 p. m. on February 28, 1948, Assistant Police Inspector Oshiro Shoko was walking along Route 28, north of Gibo-Ku, Shuri-Shi, Okinawa, Ryukyu Islands, pursuant to official business when a 2½-ton truck with canvas top stopped along side of him. The driver, a Filipino, switched off the truck lights, stepped down to the road, drew his pistol and tried to take Inspector Oshiro's pistol. He resisted and another Filipino dismounted from the truck and began to struggle with him. Oshiro was knocked down and when he tried to reach for his pistol, was shot twice by one of his assailants. One shot pierced his right arm, the other entered the left side of his chest and lodged in the midsection of his body. One of the Filipinos then took the victim's pistol and hat insignia, remounted the truck and continued on in the direction of Naha, Okinawa. Inspector Oshiro was discovered by two persons who had heard the shots. A United States Army truck passing by was stopped and transported him to the Shuri Dispensary. He was later taken to the 37th General Hospital, but died about 10:50 p. m.

At about 10:10 p. m., Inspector Oshiro gave a statement describing his assailant as a Filipino about 5 feet 1 or 2 inches tall, wearing a khaki uniform. He stated that the assailant's vehicle was a 2½-ton truck with a canvas top, but could give no other details. Two Okinawan witnesses who were within 20 to 30 yards of the incident corroborated this statement, but could furnish no other details.

The Criminal Investigation Division, United States Army, conducted an intensive investigation, concentrating particularly on all Philippine Scout organizations, which at that time were components of the United States Army; but was unable to discover evidence warranting arrest of any particular individuals, although some definite suspects were uncovered. Accordingly, the case was closed pending the discovery of additional leads.

Assistant Police Inspector Oshiro Shoko is survived by his wife, Oshiro Toshiko, 44 years old, and 5 children, ages 8 to 20. Mrs. Oshiro is presently employed as a switchboard operator at the headquarters, Ryukyus Police Department, and earns approximately \$33.25 per month. The family is operating a small store in a building which serves primarily as a home. All of the children are attending school. No compensation has been paid to the survivors of Inspector Oshiro by the United States Government, as claims of inhabitants of Okinawa arising prior to the effective date of the Treaty of Peace with Japan were not generally considered or paid under the Foreign Claims Act, now codified in title 10, United States Code, section 2734, which requires that in the case of a national of a country at war with the United States that the claimant be determined by the claims commission or local commander to be friendly to the United States.

Article 19 of the Treaty of Peace with Japan (3 U. S. T. 3187 (1952)), effective April 28, 1952, provides as follows:

"(a) Japan waives all claims of Japan and its nationals against the Allied Powers and their nationals arising out of the war or out of actions taken because of the existence of a state of war, and waives all claims arising from the presence, operations, or actions of forces or authorities of any of the Allied Powers in Japanese territory prior to the coming into force of the present treaty."

Consequently, the United States has no legal liability to render compensation to the survivors of Inspector Oshiro.

The commander in chief, Far East Command, who is also the Governor of Ryukyu Islands, recommended pertinently as follows:

"The Ryukyus Police Department has rendered invaluable assistance to the United States military and civil authorities from the beginning of the occupation to date. The officials of the police department have performed extraordinary service in that they alone, of all the Government of the Ryukyu Islands officials, have consistently supported United States policies and objectives, without regard to criticism. Action by the United States Government to compensate the families of policemen who have been killed by members of the United States Forces would be most beneficial in encouraging the continued cooperation of the Ryukyus police and also in combating some of the anti-American propaganda currently being circulated. This headquarters believes that a sum of \$1,500 to \$2,000 per family would be adequate."

In the instant case it would appear that the United States Government has an equitable obligation to compensate the survivors of Inspector Oshiro, who met his death through the criminal actions of unknown members of the Philippine Scouts, at that time a component of the United States Army.

The cost of this bill, if enacted, will be \$2,000.

Sincerely yours,

WILBER M. BRUCKER,
Secretary of the Army.

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